

HONORABLE THOMAS S. ZILLY

Matthew P. Bergman, WSBA #20894
Justin Olson, WSBA #51332
821 2nd Avenue, Suite 2100
Seattle, WA 98104
Phone: (206) 957-9510
Fax: (206) 957-9549
Email: matt@bergmanlegal.com;
justin@bergmanlegal.com
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DEBBIE ATCHINSON, Personal
Representative of the Estate of CLINTON E.
CASEY,

Plaintiff,

v.

ALCOA CORPORATION, et al.,

Defendants.

C18-01358-TSZ

STIPULATION AND ORDER OF
DISMISSAL WITH PREJUDICE
NUNC PRO TUNC OF DEFENDANT
METROPOLITAN LIFE INSURANCE
COMPANY

SAME DAY MOTION

STIPULATION

On March 10, 2020, Plaintiff Clinton E. Casey filed a Notice of Settlement of All Claims Against Defendant Metropolitan Life Insurance Company. Dkt. No. 101. However, due to an oversight by counsel, the Notice of Settlement with not followed up with a stipulated order of dismissal and consequently no formal order of dismissal was ever entered in this cause. To correct this procedural defect, Plaintiff Debbie Atchinson, as personal representative of the

1 Estate of Clinton E. Casey,¹ and Defendant Metropolitan Life Insurance Company, by and
2 through their counsel of record, hereby stipulate that all claims against Metropolitan Life
3 insurance Company may be dismissed with prejudice *nunc pro tunc* and without costs or attorney
4 fees as to any party in the above-captioned matter.

5 DATED this 28th day of December 2020.

6 BERGMAN DRAPER OSLUND UDO

WILSON SMITH COCHRAN DICKERSON

7 /s/ Justin Olson
Matthew P. Bergman, WSBA #20894
8 Justin Olson, WSBA #51332
Attorneys for Plaintiffs

/s/ Richard G. Gawlowski
Richard G. Gawlowski, WSBA #19713
Counsel for Defendant Metropolitan Life Insurance
Company


23 _____
¹ The Ninth Circuit Court of Appeals granted Appellant's unopposed motion to substitute Clinton E. Casey with Debbie Atchinson as personal representative of the Estate of Clinton E. Casey. See Dkt. No. 37 (attached).

ORDER OF DISMISSAL

THIS MATTER having come before the Court by way of stipulated motion by Plaintiff and Defendant Metropolitan Life Insurance Company to dismiss all claims against Defendant Metropolitan Life Insurance Company with prejudice *nunc pro tunc* and without costs and/or fees, and the Court being fully advised in the premises, now therefore IT IS SO ORDERED as follows:

Plaintiff's claims against Defendant Metropolitan Life Insurance Company are hereby dismissed with prejudice *nunc pro tunc* as of March 10, 2020, and without costs or attorney fees as to any party.

DATED: December 28, 2020


THOMAS S. ZILLY
UNITED STATES DISTRICT COURT

PRESENTED BY:
BERGMAN DRAPER OSLUND UDO, PLLD

/s Justin Olson
Matthew P. Bergman, WSBA #20894
Justin Olson, WSBA #51332
Attorneys for Plaintiffs

APPROVED BY:
WILSON SMITH COCHRAN DICKERSON

/s Richard G. Gawlowski
Richard G. Gawlowski, WSBA #19713
Counsel for Defendant Metropolitan
Life Insurance Company